

State of Hawaii
DEPARTMENT OF LAND AND NATURAL RESOURCES
Division of Forestry and Wildlife
Honolulu, Hawaii 96813

April 12, 2001

Chairperson and Members
Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

Land Board Members:

SUBJECT: REQUEST FOR APPROVAL TO RELEASE FOR PUBLIC REVIEW THE
DRAFT SAFE HARBOR AGREEMENT AND HABITAT MANAGEMENT
PLAN FOR KOLOA (HAWAIIAN DUCK) AND NENE (HAWAIIAN GOOSE)
ON UMIKOA RANCH, ISLAND OF HAWAII AND ACCOMPANYING
DRAFT INCIDENTAL TAKE PERMIT

The Hawaii State Endangered Species Act (ESA) was amended in 1997 to incorporate innovative tools to provide management flexibility, and incentives to private landowners to conserve endangered species on their lands. One such tool is the Safe Harbor Agreement where a landowner agrees to do something beneficial for endangered species in exchange for a guarantee that they will not be penalized for their "good deed". Under a Safe Harbor Agreement, landowners may agree to maintain or restore endangered species habitat on their lands or reintroduce an endangered species onto their property in exchange for assurances they won't be subjected to increased land-use restrictions or increased liability and regulation under the Endangered Species Act. If they eventually decide to develop or alter their property, the presence of the endangered species will not prevent them from doing so.

Today, we bring before you a draft Safe Harbor Agreement with accompanying Incidental Take Permit (Attachment I) to enhance and maintain a significant amount of habitat on Umikoa Ranch, Island of Hawaii, to benefit the endangered koloa (Hawaiian duck) and the nene (Hawaiian goose). The term of the agreement is 20 years. Under this agreement, the Ranch will: 1) create and/or enhance two acres of wetland marsh and 150 acres of riparian and associated uplands for koloa and nene on Hawaii, 2) fence the wetland areas to keep out cattle and predators, 3) implement an intensive predator control program in and around new wetland habitats, and 4) increase food plants for koloa and nene and control alien weeds in managed habitats. Under this agreement, the Ranch is authorized the incidental take of nene and koloa in excess of those occurring on the property at the time the agreement is signed. Surveys indicate that there is occasional use of the enrolled lands by two koloa and no nene. Therefore the agreement allows for the incidental take of all nene and all but two koloa on the enrolled lands as a result of lawful activities at the Ranch. The Ranch has no intention of harming or taking any koloa or nene, but is herein provided the protections of incidental take as provided by State and Federal Law. The resource questions involved in entering this agreement are: 1) will this agreement maintain a significant amount of habitat, and 2) will the agreement achieve the desired benefits in exchange for an incidental take permit in perpetuity. The Department believes this agreement will achieve those goals and result in a net conservation benefit to the koloa and nene.

This request is to start the public review process. With Board approval, a notice of the availability

of the draft Safe Harbor Agreement, draft Incidental Take Permit, Board Submittal and Comments from the Endangered Species Recovery Committee will be published in the May 8, 2001, OEQC Bulletin. The Department will solicit public input and hold a public hearing on Hawaii during the following 60 days. Following the public review process, the applicant and Department will revise the agreement and submit it to the Endangered Species Recovery Committee for their review. The Committee will provide final recommendations to accept, amend, or reject the proposal and the agreement and Permit will be resubmitted to the Board for your final consideration and approval. This process could be completed as early as July 27, 2001.

The Endangered Species Recovery Committee (ESRC) has reviewed the proposed Plan and their comments are submitted as Attachment II. The ESRC was involved in the review process at the Pre-application and draft agreement stages and provided comments that were incorporated into the document. The ESRC findings are that the draft document meets the requirements of the statute and recommends that the Board release the documents for public review.

RECOMMENDATION:

That the Board authorize the release for public review of the Draft Safe Harbor Agreement and Habitat Management Plan for Koloa (Hawaiian Duck) and Nene (Hawaiian Goose) on Umikoa Ranch, Island of Hawaii and accompanying Draft Incidental Take Permit.

Respectfully submitted,

MICHAEL G. BUCK
Administrator

APPROVED FOR SUBMITTAL:

GILBERT S. COLOMA-AGARAN, Chairperson
Board of Land & Natural Resources